HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 319 of 2004 (SS)

Shiv Dutt Milkania ……. Petitioner

Versus

Transport Commissioner, Uttaranchal & anothers …….Respondents

Sri S.S. Chauhan, Advocate for the petitioner
Standing Counsel for the respondents.

Dated: 06.04.2004

Hon'ble Rajesh Tandon, J.

Heard the learned counsel for the parties at length.

By the present writ petition the petitioners have prayed for the issue of a writ of mandamus directing the respondent no.1 to regularise the service of the petitioner on the post of Stenographer.

Briefly stated the facts given rise to this writ petition are that the petitioner was initially appointed on the post of Junior Clerk on 0.3.03.1982 and thereafter promoted as Senior Clerk on 20.8.1997. The petitioner has submitted that he has been working as Stenographer from time to time in between 1979 to 1981.

The grievance of the petitioner is that despite of his several representations, he has not been regularized on the post of

Stenographer. According to him he made last representation on 01.01.2004, which is still pending with the respondents. He has also stated that the Regional Transport officer has strongly recommended through letter dated 8.1.2004 to the Transport Commissioner, Dehradun for regularisation of the petitioner on the post of Stenographer. Abstract of the letter dated 08.01.2004 reads as under:

इसी तारतम्य में सूचनीय है कि विभाग के उच्चाधिकारियों के प्रबल संस्तुति पत्र जो कि श्री मेलकनिया को उनके कार्य पद के अनुरूप पद एवं वेतनमान दिये जान सम्बन्धी पत्रों को इसी संज्ञान में रखना न्यायसंगत होगा। विभाग के पूर्ववर्ती समभागीय परिवहन अधिकारियों के अतिरिक्त उप परिवहन आयुक्त र्पिरिक्षेत्रक्र/ अपर परिवहन आयुक्त द्वारा भी उक्ताशय के पत्र परिवहन आयुक्त को समय–समय पर प्रेषित किये गये हैं।

श्री मेलकनिया द्वारा राष्टेहित में किये जा रहे सार्वजनिक कार्यों के पुष्ट प्रमाण सहित सम्पूर्ण विवरण इस कार्यालय के पत्र संख्या 57/प्रश0/विविध/ 03 दि0 21.4.2003 के द्वारा पूर्व में आपके संज्ञान हेतू प्रेषित किया जा चुका है।

Considering the facts and circumstances mentioned above the respondent no.1 is directed to consider and decide the representation of the petitioner in the light of the recommendation made by respondent no.2 vide letter dated 8.1.2002 within one month after the receipt of the certified copy of this order.

The writ petition is disposed of accordingly. No order as to costs.

06.04.2004 Sd/-

Dhyani